

City Council Agenda

Council President
Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

May 17, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Father Vahan Gosdanian of the Holy Trinity Armenian Apostolic Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "NATIONAL PUBLIC WORKS WEEK" – Mayor Autry and All Councilmembers

Proclamation of "BIKE WEEK" – Mayor Autry and All Councilmembers

Proclamation of "EOC FOSTER GRANDPARENTS PROGRAM DAY" – All Councilmembers

Resolution of Commendation to John Hunt for Being Selected as "Public Sector Fleet Manager of the Year" – Mayor Alan Autry

Proclamation of "MEN WHO COOK AND SOME WHO DON'T DAY" - Councilmembers Boyajian and Perea

Recognition of Outstanding Readers at Edison-Bethune Elementary School – Councilmember Sterling

Presentation of Awards to Students in District 7 – Councilmember Perea

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of May 10, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. * **RESOLUTION** – Authorizing application for and acceptance of Office of Traffic Safety Area Illegal Street Racing Task Force Grant Award of \$400,000 program participation and execution of related documents – Police Dept.

Action Taken:

1. * **RESOLUTION** – 80th amendment to AAR No. 2004-209 appropriating \$30,000 to the Fresno Police Department for the Area Illegal Street Racing Task Grant Program from the State Office of Traffic Safety (OTS) **(Requires 5 affirmative votes)**

Action Taken:

2. * **RESOLUTION** – 23rd amendment to PAR No. 2004-210 to add one (1) position to the Police Department for the Area Illegal Street Racing Task Grant Program

Action Taken:

- B. **RESOLUTION** – Of intention to vacate a portion of Tuolumne Street between the Broadway-Fulton alley and Fulton Street and setting the hearing for June 7, 2005 at 10:30 a.m. (R.I. No. 1040-D) – Public Works Dept.

Action Taken:

- C. * **RESOLUTION** – 84th amendment to AAR No. 2004-209 recognizing \$30,300 in additional revenue from the Information Services Department for the connection and maintenance of ISD to the fiber optic cable between City Hall and the Municipal Service Center **(Requires 5 affirmative votes)** - Public Works Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- D. **RESOLUTION** - To consider changing the rate and method of apportioning the special tax, establishing a new maximum special tax for Annexation No. 61, Final Tract No. 4598 of City of Fresno Community Facilities District No. 2, and setting the hearing for June 21, 2005 @ 10:40 a.m. – Public Works Dept.
Action Taken:
- E. **RESOLUTION** - To consider changing the rate and method of apportioning the special tax, establishing a new maximum special tax for Annexation No. 31, Final Tract No. 4983 of City of Fresno Community Facilities District No. 2, and setting the hearing for June 21, 2005 @ 10:35 a.m. – Public Works Dept.
Action Taken:
- F. **RESOLUTION** - To consider changing the rate and method of apportioning the special tax, establishing a new maximum special tax for Annexation No. 83, Final Tract No. 5237 of City of Fresno Community Facilities District No. 2, and setting the hearing for June 21, 2005 @ 10:30 a.m. – Public Works Dept.
Action Taken:
- G. **RESOLUTION** - To consider changing the rate and method of apportioning the special tax, establishing a new maximum special tax for Annexation No. 82, Final Tract No. 5295 of City of Fresno Community Facilities District No. 2, and setting the hearing for June 21, 2005 @ 10:25 a.m. – Public Works Dept.
Action Taken:
- H. **RESOLUTION** - To consider changing the rate and method of apportioning the special tax, establishing a new maximum special tax for Annexation No. 81, Final Tract No. 5258 of City of Fresno Community Facilities District No. 2, and setting the hearing for June 21, 2005 @ 10:20 a.m. – Public Works Dept.
Action Taken:
- I. **RESOLUTION** - Of Intention to annex Tract No. 5395 to the City of Fresno Community Facilities District No. 2, Annexation No. 97, and setting the hearing for June 21, 2005 @ 10:15 a.m. – Public Works Dept.
Action Taken:
- J. **RESOLUTION** - Of Intention to annex Tract No. 5210 to the City of Fresno Community Facilities District No. 2, Annexation No. 96, and setting the hearing for June 21, 2005 @ 10:10 a.m. – Public Works Dept.
Action Taken:
- K. Consideration of Contract Change Order No. 9 for the Convention Center parking structure project – Public Works Dept.
Action Taken:
- L. **RESOLUTION** - Of intention to annex Final Tract No. 5196 to the City of Fresno Community Facilities District No. 2, Annexation No. 95, and setting the hearing for June 21, 2005 @ 10:05 a.m. – Public Works Dept.
Action Taken:
- M. **RESOLUTION** - Of intention to annex Final Tract No. 5215 to the City of Fresno Community Facilities District No. 2, Annexation No. 94, and setting the hearing for June 21, 2005 @ 10:00 a.m. – Public Works Dept.
Action Taken:
- N. * **RESOLUTION** - Approve the reallocation of \$50,000 in Proposition 111 Special Gas Tax Funds from the Blackstone/Bullard intersection improvement project to the "O" Street improvements project between Freeway 41 and Ventura Street – Public Works Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- O. Approve the quitclaim of an existing access easement from Willow Avenue to the Surface Water Treatment Facility (SWTF) in exchange for the State Center Community College District's dedication of a new access point and a pipeline easement to serve the SWTF – Public Works Dept.
Action Taken:
- P. **RESOLUTION** – Approving the Final Map of Tract No. 5321 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents – Planning and Development Department
Action Taken:
- Q. **RESOLUTION** - Authorizing the submittal of grant applications for and acceptance of the California Integrated Waste Management Board (CIWMB) funding for all available grants under the California Oil Recycling Enhancement Act and all available Household Hazardous Waste (HHW) grants under the California Integrated Waste Management Act for the period of July 1, 2005 to June 30, 2010 - Dept. of Public Utilities
Action Taken:
- R. * **RESOLUTION** - 83rd amendment to AAR No. 2004-209 appropriating \$248,000 of PG&E Incentive Grant Funds for energy efficiency improvements (***Requires 5 affirmative votes***) – General Services Dept.
Action Taken:
- S. * Award a contract to Kelly C. Broyles Construction, Inc. of Fresno for installation of 8" water main in N. San Pablo and N. Glenn Avenues, and 12" water main in N. Blackstone and E. Sierra Avenues (General Services Dept./Purchasing/Public Works)
Action Taken:
- T. * **RESOLUTION** - 75th Amendment to the AAR No. 2004-209 appropriating \$1,348,100 for the purpose of the bi-annual UGM reimbursements from available funds to approved developers (***Requires 5 affirmative votes***) – Public Works Dept.
Action Taken:
- U. Approval of report related to Measure "C" – Public Works Dept./Dept. of Transportation/ Fresno Area Express
Action Taken:

2. **GENERAL ADMINISTRATION**

3. **CITY COUNCIL**

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION -**

- B. **SCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 9:35 A.M. CONTINUED HEARING** regarding adoption of a resolution amending the City of Fresno's Nondisposal Facility Element – Dept. of Public Utilities
Action Taken:
a. **RESOLUTION** - Amending the City of Fresno Nondisposal Facility Element
Action Taken:
- 10:00 A.M. ACQUISITION OF A TIME AND ACTIVITY SOFTWARE AND BUSINESS INTELLIGENCE/ANALYTICS SOFTWARE:** (City Manager's Office)
a. * Authorize the City's Chief Information Officer to negotiate and enter into a contract for Kronos Workforce Central software licenses and related implementation services and three years of ongoing support and maintenance; subject to appropriation of funds
Action Taken:
b. * Authorize the City's Chief Information Officer to negotiate and enter into a contract for Cognos Metrics Manager software licenses and related implementation services and three years of ongoing support and maintenance; subject to appropriation of funds
Action Taken:
c. Approve the acquisition of necessary additional hardware; subject to appropriation of funds
Action Taken:
d. * Authorize the City Controller to select, negotiate and enter into a financing agreement with a firm for leasing services to arrange the lease acquisition of Kronos Workforce Central software and Cognos Metrics Manager software and respective related implementation services, support and maintenance contracts and hardware for an amount not to exceed \$1,555,000; subject to appropriation of funds
Action Taken:
e. * Authorize the Chief Information Officer to negotiate and enter into a Termination Rights Agreement with Immix Technology and/or Kronos, Inc., if required, under a financing agreement with City's lender for lease acquisition of Kronos Workforce Central software licenses
Action Taken:
f. * Authorize the Chief Information Officer to negotiate and enter into a Termination Rights Agreement with Cognos Corporation., if required, under a financing agreement with City's lender for lease acquisition of Cognos Metrics Manager software licenses
Action Taken:
g. * **RESOLUTION** - 58th amendment to AAR No. 2004-209 appropriating \$1,831,852 for the acquisition of Kronos Workforce Central software and Cognos Metrics Manager software and associated implementation and hardware costs **(Requires 5 affirmative votes)**
Action Taken:
- 10:30 A.M.** Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Action Taken:
- 10:45 A.M. HEARING** to consider Rezone Application No. R-04-82 and environmental finding, filed by Lennar Homes, Inc./Cambridge Homes and six property owners (Raymond & Shirley Brown, Sharon K. Dale, Edward Fanucchi, Rubin & Jenni Lerma, Yoshio Nakashige, and Charles & Dorothy Rapp), for 57± acres of property located on the southwest corner of W. Shields and N. Cornelia Avenues **(Property located in District 1)**
Action Taken:
a. Consider and adopt Environmental Assessment No. R-04-82/T-5406, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
b. **BILL** - Amending the Official Zone Map to rezone the subject property from the RR (*Rural Residential - Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M. Report regarding assistance to Fresno Unified School District (FUSD) in becoming an outstanding school district
Action Taken:

2:00 P.M.#1 **CONTESTED CONSENT CALENDAR**

2:00 P.M.#2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (a)

1. **Case Name:** Robert L. Rich v. Meg Margaret Helen Loretta; The City of Fresno Police Department and the City of Fresno, et al.
2. **Case Name:** Rhonda Jackson v. City of Fresno, et al.
3. **Case Name:** Blair Carlson v. City of Fresno
Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Government Code Section 54956.9, Subdivision (b)

1. **Case Name:** Data911 v. City of Fresno
Action Taken:

2:00 P.M.#3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

2:30 P.M. Presentation of plaque and formal "thank you" for service presented to outgoing Chairperson of the Fresno Renaissance Empowerment Zone Board, Eric R. Johnson, presented by newly appointed Chairperson Frank Gallegos; followed by a brief, informal update on the Empowerment Zone given by Frank Gallegos – Dept. of Economic Dev.
Action Taken:

2:45 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of May 10, 2005
Action Taken:

A. HEARING to consider adoption of a resolution approving Five-Year Redevelopment Implementation Plans for the Merger No. 1, Merger No. 2, and the Fresno Air Terminal Redevelopment Project Area

Action Taken:

1. **RESOLUTION** - Approving the proposed updated Five-Year Implementation Plans for the Merger No. 1 Project (Central Business District, Chinatown Expanded, Convention Center, Fulton, Jefferson, Mariposa, South Van Ness Industrial, West Fresno I, West Fresno II, and West Fresno III), the Merger No. 2 Project (Fruit/Church, and Southwest Fresno General Neighborhood Renewal Area), and the Fresno Air Terminal Redevelopment Project Area. **(Agency action)**

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 3:00 P.M.** **HEARING** - To consider appeal of Environmental Finding of Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines related to Site Plan Review Application No. S-04-540 proposing the renovation of the Fresno Metropolitan Museum (Fresno Bee Building, Historic Property No. 119) – Planning and Development Dept.
Action Taken:
- 5:00 P.M.** **HEARING** to consider Rezone Application No. R-04-14, and proposed Final Environmental Impact Report (EIR) No. 10133, filed by Fancher Creek Properties, ***(Property located in District 5)*** - Planning and Development Dept. **(Continued to 5:30 P.M.)**
- 5:30 P.M.** **CONTINUED HEARING** to consider Rezone Application No. R-04-14, and proposed Final Environmental Impact Report (EIR) No. 10133, filed by Fancher Creek Properties, pertaining to approximately 474 acres of property located on the northwest and northeast corners of Kings Canyon Road and Fowler Avenue, the northwest and southwest corners of Belmont and Armstrong Avenues, and the northeast and southeast corners of Clovis and Tulare Avenues (Fancher Creek Project) – ***(Property located in District 5)*** – Planning and Development Dept.
Action Taken:
- a. **RESOLUTION** - Certifying Final Environmental Impact Report (EIR) No. 10133, and adopting Statement of Overriding Considerations
Action Taken:
- b. **BILL** - Amending the Official Zone Map to rezone 424 acres of property from AE-5/UGM (*Exclusive Five Acre Agriculture/Urban Growth Management*) and AE-20 and R-1-AH (*County*) zone districts to the R-1/BA-15/UGM/cz (*Single Family Residential/Boulevard Area–15-foot Landscape Setback/Urban Growth Management/conditions of zoning*) zone district for 211 acres, to R-2/BA-15/UGM/cz (*Low Density Multiple Family Residential/ Boulevard Area – 15-foot Landscape Setback/Urban Growth Management/conditions of zoning*) zone district for 32 acres, to C-2/BA-15/UGM/cz (*Community Shopping Center/Boulevard Area – 15-foot Landscape Setback/Urban Growth Management/ conditions of zoning*) zone district for 31 acres, to the C-3/UGM/cz (*Regional Shopping Center/Urban Growth Management/conditions of zoning*) zone district for 43 acres; and to the M-1/BA-15/UGM/cz (*Light Manufacturing/Boulevard Area, 15-foot Landscape Setback/Urban Growth Management/conditions of zoning*) zone district for 107 acres
Action Taken:
- c. **RESOLUTION** – Approve street alignments and widths of proposed public streets within boundaries of Vesting Tentative Parcel Map No. 2004-36
Action Taken:
- 6:00 P.M.** **RESOLUTION** – Initiating Plan Amendment to Fresno General Plan and Roosevelt Community Plan to delete the proposed construction of Fancher Drive from Exhibit 7 of the Transportation Element, said drive was to extend eastward from Clovis Avenue between Tulare and Belmont Avenues, eventually to extend to Tulare Avenue east of the Clovis/Tulare intersection – Councilmember Boyajian
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

May	19 -	8:30 A.M. – 10:30 A.M. CLOSED SESSION
May	19 -	10:30 A.M. – 4:30 P.M. HEARING re: Fiscal Year 2005/2006 Budget
May	24 -	NO MEETING - MEETING CANCELLED
May	31 -	NO MEETING - MEMORIAL DAY
June	7 -	10:00 A.M. HEARING re: Change of services for Tract 5137, Community Facilities District No. 2
June	7 -	10:15 A.M. HEARING re: CFD No. 2, Annexation No. 91, Final Tract Map No. 5310
June	7 -	10:20 A.M. HEARING re: CDF No. 2, Annexation No. 92, Final Tract Map No. 5391

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

June	7 -	10:25 A.M.	HEARING re: CFD No. 2, Annexation No. 93, Final Tract Map No. 5141
June	7 -	10:30 A.M.	HEARING to consider vacation of a portion of Tuolumne Street between the Broadway – Fulton alley and Fulton Street (R.I. 1040-D) – Public Works Dept.
June	7 -	10:00 A.M.	HEARING re: Tow Ordinance – Police Department
June	7 -	10:45 A.M.	WORKSHOP to consider implementation and use of traffic signal fees and implementation of new Community Facilities District – Council President Dages
June	7 -	11:00 A.M.	Direction to staff regarding proposed charter amendments – Councilmember Duncan
June	7 -	2:30 P.M.	Taxi Ordinance
June	7 -	3:00 P.M.	WORKSHOP regarding timing of construction of required public improvements for various land use entitlement applications – Public Works Dept.
June	7 -	3:30 P.M.	WORKSHOP regarding San Joaquin Air Pollution Smart Growth – Councilmember Boyajian
June	14 -	4:00 P.M.	Presentation by the California Local Government Commission and Paul Crawford of Crawford-Multari Associates regarding the results of the West Shaw Avenue activity center land use workshop held in Fresno May 2 and 3, 2005 – Planning and Dev. Dept.
June	14 -	5:00 P.M.	Cycle I Trimester Plan Amendments – Planning and Development Dept.
June	21 -	10:00 A.M. – 10:40 A.M.	Hold
June	21 -	2:30 P.M.	HEARING re: draft FY 06 Annual Action Plan – Planning and Development Dept.
July	5 -	NO MEETING - COUNCIL VACATION	
July	12 -	NO MEETING - COUNCIL VACATION	
July	19 -	10:00 A.M.	Adoption of Finding of Conformity for long-term CVP contract renewal – Dept. of Public Utilities
Aug.	2 -	NO MEETING - COUNCIL VACATION	
Aug.	9 -	NO MEETING - COUNCIL VACATION	
Aug.	23 -	10:30 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Sept.	6 -	NO MEETING - COUNCIL VACATION	
Sept.	13 -	NO MEETING - COUNCIL VACATION	
Oct.	18 -	NO MEETING - COUNCIL BREAK	
Nov.	15 -	10:30 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling

BUDGET HEARING SCHEDULE FY 2006

May	19 -	9:30 A.M. – 4:30 P./M.	Budget discussions
June	7 -	1:30 P.M. – 5:30 P.M.	Continued Budget discussions
June	10 -	1:30 P.M. – 5:30 P.M.	Continued Budget discussions
June	14 -	1:30 P.M. – 5:30 P.M.	Continued Budget discussions

The Departments will be heard in the following general order:

1.	City Clerk's Office	11.	Public Works Department
2.	City Attorney's Office	12.	Police Department
3.	Mayor's Office	13.	Convention Center
4.	City Council Offices	14.	Fire Department
5.	City Manager's Office	15.	Planning and Development Dept.
6.	Finance Department	16.	Parks and Recreation Dept.
7.	Information Services Dept.	17.	Airports Department
8.	General Services Dept.	18.	Economic Development Department
9.	Personnel Department	19.	Transportation Dept. (FAX)
10.	Department of Public Utilities	20.	General City Purposes
		21.	CDBG

(Future workshops – dates to be determined)

(June) **WORKSHOP** – Follow-up discussion regarding Caltrans discussion held 12/7/2004

WORKSHOP – Urban Forest

WORKSHOP regarding P.W. and Planning and Development Depts. entitlement application infrastructure requirements